

Résumé du contenu/English Summary

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[Aller au sommaire du numéro](#)

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RÉSUMÉ DU CONTENU/ENGLISH SUMMARY

Translation : Dorothy Crelinsten

Historians (of civilizations), such as Toynbee or Sorokin, have found the need for security, along with that of reproduction, the two mainsprings of all culture, all organized society, from time immemorial. To ensure the security of the members of a community (a family, clan, tribe, city or state) was the *raison d'être*, the justification, even legitimization, of the exercise of power by patriarchs, chiefs, consuls and kings. This legitimizing function of the protection of the citizens has today been incorporated in contemporary democratic constitutions and legislations. With national defence and public money, the assurance and organization of security are one State monopoly that is incontestable and uncontested. We may recall that, as René Girard pointed out, the line of demarcation between the ancient and the modern civilization, which is based on a feeling of personal security and protection of property, was the result of the establishment of public justice and independent power, instead of private justice. The latter, which characterizes the pre-modern and pre-democratic societies, is the embodiment of that vicious circle of vengeance and vendetta that fear engenders. (See R. Girard¹ and H. Ellenberger²). The state of terror triggered by this fear was finally controlled by the establishment and strengthening of the secular arm which enforced the law and imposed justice as a third power in the hands of those involved. No one, not even the king, was above the law !

In this vast perspective must be placed the problem of the periodic resurgence of panic caused by the fear of crime. Its sense of security threatened, the population looks for a scapegoat, demands repression and the right to punish that is solely the province of the State and public authorities. In this issue of our review, we have tried to take stock of the problem. Yves Brillon and Micheline Baril, principal investigators, have been devoted for many years to the study of this phenomenon. Their contribution, like that of the others involved in the project, has not escaped any of the paradoxes that confront the observer of the political and social scene. In effect, although the fear of crime has obviously increased recently, the concrete reasons for fear have in fact diminished ! We are living in societies less violent and

1. René Girard (1972) : *La violence et le sacré*, Paris, Grasset, 455 p.

2. Henri F. Ellenberger (1981) : « La vendetta », *Revue internationale de criminologie et de police technique*, vol. XXXIV, n° 2, p. 215-242.

more secure than those known to our ancestors. Actually, on closer examination, it is an indirect general fear that has increased and not a concrete fear associated with the daily experience of neighbourhood life. We have become less tolerant of infractions. This is well demonstrated by Yves Brillon in his analyses concerning the elderly, the natural targets of the « predators » of large cities. The contributions of Sylvie Durand and Christiane Louis-Guérin both point out the decisive role of images, « mental geographic maps », in the birth and crystallization of a vague fear that influences the general feeling of security and well-being. These images, whose intensity is perhaps more the result of a personality structure, a value system or world view than a personal experience, concrete, lived through and well documented, has a considerable influence on the behaviour and opinions of the elderly. *The real experience of having been the target of an act of aggression is well illustrated by Micheline Baril's interviews with some victims. Here there is no question of images. These persons have actually faced gun barrels and naked blades. The resulting trauma profoundly affects the personality. One can see the illustration of this in the evidence given by Marie-Josée Lecor.*

Fear of crime is the result of the traumatizing experience of its victims and the suggestive image given by the omnipresent media, persistent in their frantic search for sensation that will sell their papers or their broadcasts. It is a determining element in the feeling of well-being of a population, the same as employment (or unemployment), health (or illness), education (or ignorance). The modern State has spent fortunes (more than two thirds of the national budget – with the exception of expenditures on the military), to ensure and improve public health, education and employment. Justice and its administration have become problematic following the resurgence of widespread fear of crime. To ensure the safety of the citizens has become an urgent need, which the programmes of the political parties have dramatized and which the legislative and administrative intervention of governments has illustrated. The departments concerned with public safety (Justice and the Solicitor General) have gradually become social and administrative departments : some ten years ago, numerous social programmes were implemented and major legislative reforms made. What was the reason for all these movements (legislative, social and political) ? It was the peoples' fear of crime that mobilized the politicians who were competing for election. It is here that André Normandeau's article makes its contribution. He examines the reforms undertaken in Canada and in France following a political move to reassure

the public, to combat the fear of crime, through laws, correctional reforms and social measures of prevention, etc. The author points out the scientific frailty of the arguments put forward, the complexity of the reactions of the professional milieus concerned, such as the magistrates and police unions or such citizens groups as « Legitimate defence ». One is rather perplexed on reading his account : will the political process vitiate any attempt at reform ? Is M. Peyrefitte, of the « Académie française », presiding over his task force on violence, and who stresses prevention, the Minister of Justice and Attorney General who advocates a stronger repressive policy ? Normandeau comes to no definite conclusion. But his readers will remember the interview with M^{me} Simone Rozès, president of the Paris Tribunal, who, when questioned in the journal *Le monde* on the debates that were raging concerning the reform of the penal code, declared herself opposed to any legislative reform. It is in the enforcement of the laws, in the concrete means placed at the disposal of the administration of justice, that one can judge the political attitude toward prevention and improvement of the general well-being. As long as these means are lacking, all talk of principles remains idle discussion without true meaning.

The message of this volume will leave the reader slightly bewildered. Everyone will realize along with Pierre Mackay, that fear is an irrational feeling (we are not afraid of real dangers) but will nonetheless recognize that it has an incontestable political bearing. Manipulation for partisan reasons, popular feelings, real or imaginary, can engender an eminently dangerous political force regarding public liberties. The old saying is still true : fear is a poor counsellor. Prevention, then, is the best alternative to a crime policy based on fear. Prevention, based on a mobilization of the citizens at the neighbourhood level, concerned with their own surroundings, will be able to reassure them. The fear of being abandoned to one's fate by a remote, bureaucratic justice, insensitive to the needs of real or potential victims, can be diminished. The responsibility of the image-makers, the journalists of every medium, is overwhelming in a society so steeped in communications and information. The progress in this regard is very slow, given the need to sell (or to get advertizing) – a powerful motive for publishers and broadcasters.

Finally, the professionals of justice, magistrates, lawyers, policemen, criminologists and social workers, in daily contact with criminals as well as their victims, should modulate the inevitable emotional reactions, the frustrations of some and recriminations of others, in order to prevent waves of panic occurring on the public scene and carry-

ing over into the political arena. Moreover, researchers should tirelessly analyze the innumerable aspects, the complex causes, of a feeling that plays such an important role in daily life. By furthering our knowledge, researchers will ease minds by eliminating the need for crusades, always bloody, always in the end diverted from their « holy » cause and seeking more lucrative and less admissible goals. Research well done, like that which forms the basis, we believe, of this thematic issue, will stimulate thought and action for continued, if not conclusive, reforms which take into account the needs and liberty of man.

In terminating the presentation of these pages, may we greet two new members of our editorial committee. Being in the University of Montreal, the principal centre of criminological teaching and research in Quebec universities, we are interested in having associated with our team people from other milieus, other disciplines, that share our concerns. Thus we decided to reinforce our team with the expertise of Sheilagh Hodgins, Director of Research at the Institut Philippe Pinel, maximum security psychiatric hospital. This institution is the natural centre for research on the treatment of criminals who are mentally ill. Our colleague, also professor at the School of Social Service of our University, will animate these studies, which for us are of the highest importance. Pierre Mackay, professor at the department of legal studies of UQUAM, will put the emphasis for us on judicial practice and his interpretation of it from the point of view of constant reform in the interest of the most disadvantaged milieus. To eliminate discrimination, to render justice to the poor as well as the rich, to majority groups as well as minority groups, is a preoccupation we share with increasing segments of Quebec and Canadian society. We expect to be greatly stimulated by the participation of Pierre Mackay and that he will take us still further toward these horizons.